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City sues port over 'dirty' dirt

The City of Seattle has sued the Port of Seattle in an attempt to break an impasse over who should take responsibility for contaminated dirt placed on city property.

The lawsuit contends the port should remove several thousand cubic yards of contaminated dirt excavated from Terminal 5 and placed at the Midway Landfill and the Jefferson Park Golf Course.

The city paid the port's subcontractor \$1 a cubic yard for the fill dirt, which subsequently was found to be polluted. Although state authorities later determined the contaminated soil was not hazardous, the city argues the fill dirt is not acceptable.

"We thought we were paying for clean fill," said Don Stout of the City Attorney's office.

The lawsuit, filed last month in King County Superior Court, asks the port to pay for removal costs and to take responsibility for all legal claims involving the contaminated dirt, Stout said.

Also named in the lawsuit were two contractors, Valley Cement Construction and Lloyd's Enterprises, Stout said.

Stout said the lawsuit was filed after negotiations with the port failed.

An attorney representing the port said the lawsuit will be contested. The lawyer, Lynn DuBey, said the port will contend that responsibility for the contaminated dirt rests with the contractors.

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